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Federal Courts at the Boyd School of Law

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“Our goal goes further: to educate our students on federal court history, practice and culture so that, as lawyers, they are equipped to represent their clients in state or federal court with confidence and expertise.”

Dean's Column

BY GUEST AUTHOR PROF. ANNE R. TRAUM

FEDERAL COURTS AT THE BOYD SCHOOL OF LAW

When 3L Cristen Thayer (Boyd School of Law, 2012) stepped up to the podium last April to argue an employment discrimination appeal to a three-judge panel of the United States Court of Appeals for the Ninth Circuit, she had a tall task: she had just 15 minutes to convince the court it should reverse summary judgment and remand for jury trial on her client's claim that she was fired after reporting on-the-job sexual harassment. For Thayer this was a capstone experience to her education on federal courts as well as a career milestone. For her client, who won the appeal weeks later, Thayer's expertise and preparation proved crucial.

In teaching about federal courts, the challenge is to make the core debates about federal courts – federalism, judicial review, independence and accountability – fresh and relevant. The appearance of federal court litigation in the news – such as the Supreme Court's reviewing of the constitutionality of the Affordable Care Act and Arizona's immigration enforcement law (SB 1070) – keeps these questions topical. Our goal goes further: to educate our students on federal court history, practice and culture so that, as lawyers, they are equipped to represent their clients in state or federal court with confidence and expertise. Perfecting such knowledge and skill may take decades, but it starts with three years in law school, before any student sits for the bar.

Like many students at Boyd, Thayer studied federal court history and litigation in an unfolding process of discovery. It began on the first day of law

school in civil procedure. Professor Thomas Main observes that learning federal civil procedure is like learning a foreign language, because students must absorb detailed practice rules while adapting to the legal culture and tradition.

The journey continues at every stage of students' advanced coursework – on the Constitution, federal courts, environmental and natural resources, employment and labor law, civil rights, tax, criminal procedure, immigration and Indian law. For many, this coursework culminates in clinical, extern and clerkship experiences that may shape their career paths.

For example, in her second year, Thayer studied sexual harassment with Professor Ann McGinley, whose scholarship addresses cutting issues of employee conduct in sexualized workplaces. Thayer gained a solid foundation on Title VII civil rights legislation, its related administrative requirements and parallel state schemes, and the gender and race questions that surround the doctrine and proof issues.

These strands came together in the Appellate Clinic, where substance and advocacy meld. My scholarship focuses on constitutional, habeas and criminal law, and I have worked federal cases from multiple angles as a Justice Department lawyer, assistant federal public defender and private party attorney. When I teach federal courts, the focus is on the evolution of the system over time and the major concepts at play in federal decision-making. In the Appellate Clinic, that focus shifts. Now the task is to navigate the system for one client, and case strategy permeates every decision and written and spoken word. Visiting Assistant Professor Angela Morrison, an expert on federal employment cases, co-taught the clinic this past year and supervised Thayer and

her teammate Iva Todorova on the employment case. In the clinic, students work in a law-firm setting, experiencing first-hand the deadline pressure, long hours, independence and team camaraderie that are so vital to successful practice.

As the oral argument date approached last April, Thayer's federal courts education came full circle. She and her teammate, Todorova, mooted the case, with local attorneys, fellow students and their first-year civil procedure professors, among others, acting as judges. Thayer's primary goal was to represent her client. But she was also an ambassador for Boyd's commitment to providing an education that teaches fundamentals, is modern and relevant and, perhaps most importantly, produces graduates who have the sophistication, expertise and skills to be great lawyers. Thayer delivered, and her client was well-served. ■

PROFESSOR ANNE TRAUM

is an associate professor of law at the William S. Boyd School of Law, UNLV, where she teaches criminal procedure and directs the Appellate Clinic, which she founded. Traum serves as an appellate lawyer representative to the Ninth Circuit Court of Appeals. Before joining the faculty in 2008, she practiced law in Las Vegas for eight years with the Department of Justice at the United States Attorney's Office and the Federal Public Defender.

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